

Recreational Trails Program Grant Manual

Introduction

The National Highway Systems Act transfers federal gas taxes paid on non-highway recreational fuel used on off-highway vehicles from the Highway Trust Fund into the Recreational Trails Program (RTP) for trail development, improvement and maintenance. The RTP is administered by the Federal Highway Administration (FHWA) which works with state agencies to pass funding through to local project sponsors.

The Bureau of Parks and Lands (BP&L), Maine Department of Conservation, has been designated by the Governor as the state agency to administer the RTP in Maine. Within the Bureau, the Division of Grants and Community Recreation provides day-to-day supervision of the RTP.

The State provides monies received under this act as grants to state, county, or municipal agencies, and nonprofit organizations* under guidelines established by the FHWA and policies developed by the Maine Bureau of Parks and Lands in conjunction with the Maine Trails Advisory committee.

**As part of the application process, a nonprofit organization is required to verify its status by providing documentation and its federal tax identification number.*

Components of a successful proposal:

1. First, do your homework. A successful proposal will reflect good planning and demonstrate:
 - who you are, who you serve;
 - how successful your program is;
 - how you identify needs;
 - how you create solutions to problems.
2. Provide documentation when it is called for; include hard facts, not just anecdotal comments (make no unsupported assumptions or statements).
3. Describe the outcome of the project in specific, measurable terms. Tell who is going to do what, when, where, how much it will cost, and why it is needed.

Recreational Trails Program Financial Policies

40-30-30 Requirement

RTP legislation requires that each state use 40% of its apportioned funds for diverse (or combination) recreational trail use, 30% for motorized recreation, and 30% for non motorized recreation. The 40-30-30 requirement applies to on-the-ground trail projects as well as to Safety and Environmental educational projects

The diverse, motorized, and non motorized percentages are minimum requirements that must be met, and may be exceeded. A project that meets the diverse (combined) motorized use

(snowmobiles and ATVs) may satisfy the 40% diverse use requirement and the 30% motorized use requirement simultaneously. A project for diverse non motorized use (pedestrian and bicycle) may satisfy the 40% diverse requirement and the 30% non motorized requirement simultaneously.

The RTP also permits a state to use up to 7% of the monies received annually for administrative costs and up to 5% annually for the operation of environmental protection programs and safety education programs related to trail use.

Submitting Applications

Applications must be delivered to the Bureau of Parks & Lands on or before the announced deadline date. Applications may be mailed but must have a postmark on or before the announced deadline. FAX copies will not be accepted.

RTP funding is on an 80%/20% basis. The federal share of a project may be up to 80% of a project's total cost, but may be limited to a maximum amount. The sponsor's match may consist of cash or the value of donated services and/or materials. NOTE: THE SPONSOR MUST BE PREPARED TO PAY PROJECT COSTS IN FULL AS THEY ARE INCURRED PRIOR TO SUBMITTING REQUESTS FOR REIMBURSEMENT OF THE FEDERAL SHARE. The minimum grant request should be not less than \$2,000 in federal matching funds (\$2,500 total project proposal).

Projects of major statewide significance may be granted exemption from the maximum grant award. Contact state project officer for more information.

An amount to be determined by BP&L staff and approved by the Trails Advisory Committee may be set aside annually for bureau trail projects. If the full amount of this set-aside is not used for state purposes, the balance will be made available to fund local projects.

Projects will be selected based on their ability to meet established criteria.

The RTP stipulates that a state must establish measures to verify that recipients comply with the conditions set for use of grant monies.

General Application Procedures

RTP project applicants shall submit, by the announced deadline, an original and five (5) copies of an RTP Project Application to the Bureau of Parks & Lands (BP&L) with the applicable support documentation.

The project application will be reviewed, rated, and ranked by BP&L using criteria and priorities approved by the Bureau and the Maine Trails Advisory Committee. Project applicants will receive notice of approval or disapproval in writing. Projects receiving approval will be included in BP&L's consolidated application to the FHWA. Upon receipt of FHWA approval, a project agreement between the State and the project sponsor will be signed.

Upon receipt of a fully executed project agreement, the sponsor may initiate acquisition/development activities.

Project costs for which reimbursement will be sought cannot be incurred by the sponsor until after notification of grant approval. Costs incurred prior to grant approval are ineligible for grant assistance.

Development costs are considered incurred on the date construction contracts are signed, or actual physical work begins on the project site, or project materials are delivered.

Acquisition costs are incurred when:

1. Property deed, easement, lease, or other conveyance is accepted by the project sponsor.
 2. First payment is made on the subject property or to an escrow account/agency for the property.
- In addition, no purchase agreement, option, etc. Or prior negotiations shall be entered into prior to project approval.

During the course of the project, sponsors will be required to submit (a) project progress reports; (b) requests for reimbursement.

Permitted uses of Recreational Trails Program Funds

A. Trail Development/Maintenance/Acquisition Grants:

1. Redesign, reconstruction, non-routine maintenance or relocation of trails in order to mitigate and minimize impacts to the natural environment.
2. Structure design or engineering, or GPS mapping, when included with trail development.
3. Trail development and renovation activities (such as sub-grade preparation, base course, soil sterilization, earthwork, erosion control, revegetation, natural and hardened surfacing, culverts, low-water crossings, bank improvements, gabions, retaining walls, guard rails, and hand rails.
4. Bridges, and boardwalks may be constructed, repaired, or replaced to provide integral links along trails, to provide connections between trails, or to improve trail crossings over railroads, roads, rivers or other water courses..
5. Development of trailside and trailhead facilities including trail components or associated public facilities that enhance the purpose and safe use of the recreational trail; e.g. parking, signage, public shelters, hitching rails, bike racks, fencing, motorized access barriers, under passes, and water, sanitary and access facilities.
6. Acquisition of easements for trails or trail corridors identified in a trail plan.
7. Acquisition of fee simple title to property to be used for trails or trail corridors, from a willing seller, when lesser interests cannot be acquired.
8. Construction of new trails on state, county, municipal, or private land where a recreational need has been identified.
9. Construction of new trails crossing federal lands where such construction is approved by the administering state or federal agency charged with management of the impacted lands.

B. Safety Education/Environmental Education Grants

A maximum of 5% of the State's annual appropriation may be used for the operation of educational programs designed to promote safety and/or environmental protection related to recreational trail use.. Examples include, but are not limited to; trail safety signage programs; programs or activities (including printed material) intended to educate users regarding environmental issues. **Contact State Project Officer for Safety/Environmental Education Grant Applications.**

Uses Not Permitted

1. Planning projects or environmental documentation efforts.
2. Road construction, sidewalks, gardening/landscaping, parks or park equipment, lighting, sprinklers, or campgrounds.
3. Condemnation of any kind of interest in property.
4. Construction of recreational trails for motorized uses on National Forest land that has been recommended for Wilderness designation.
5. Upgrading for motorized use trails predominantly used for nonmotorized uses and on which motorized use is either prohibited or has not occurred.
6. Local administrative costs (including but not limited to, project oversight, mileage, telephone, postage, etc.).
7. Indirect costs such as food, lodging, benefits. etc.

Specific Recommendations for all Projects

Projects selected for funding should:

1. Follow guidelines of the Americans with Disabilities Act (ADA) in providing for trail access* and consideration of the needs of the elderly and families with children.
2. Further a trail-related goal in the Maine Statewide Outdoor Recreation Plan (SCORP) or local/regional comprehensive plan.
3. Include a commitment for long-term public access and maintenance.
4. Have written permission of land owner(s), manager(s).
5. Include a commitment to starting and completing the project quickly and efficiently.
6. Provide for trail use in a manner sensitive to the environment.
7. Plan for the needs of the widest variety of trail uses and accommodate them safely.
8. Projects that will involve work on private land will be required to enter into an easement or other legally binding agreement with the land owner that ensures public access to the recreational trail.
9. Projects that include structural development (bridges, shelters, etc.) are required to have plans and specifications prepared and approved by a professional engineer prior to the beginning of development.

**For more information on ADA, contact State Project Officer.*

Specific Instructions for Projects Involving Acquisition of Property Rights

Projects that contemplate the acquisition of property rights (fee simple, easement) must comply with the terms of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 and the applicable requirements and procedures implementing such act and other provisions of federal laws and executive orders as identified in the Project Agreement and General Provisions

Property rights acquired using RTP funds may be subject to the retention and control requirements of the Land and Water Conservation Fund Act of 1965. Projects involving acquisition may require an extended time line once approved due to the need for appraisal and appraisal review and securing any necessary permits. Applicants must allow for these factors in planning an acquisition project. If you are planning an RTP project that may involve acquisition of property or property rights, contact the Bureau of Parks and Lands, Grants and Community Recreation Division (287-2163) prior to submitting an application..

Application Procedure for an RTP Project

A. Project Application Form

The project applicant shall complete the RTP application and shall include the following support documentation:

B. Support Documentation

1. Transmittal Letter (A) signed by the agency head or organization's president/chair.
2. Resolution (B) passed by the appropriate legislative body or membership authorizing the submission of the application.
- 3a. A statement from the town in which the project is to be located that the proposed development has been reviewed by the appropriate boards (planning, zoning, etc.) and is consistent with local plans and ordinances.
- 3b. If construction of any recreational Forest Service trail on U. S. Forest Service system land is proposed, a signed statement certifying that the lands have been allocated for uses other than wilderness by the approved agency resources management plan or have been released to uses other than wilderness by an Act of Congress, and such construction is otherwise consistent with the management direction in such approved land and resources management plan.
4. Site Map (C) showing areas of acquisition or trail development/maintenance.
5. Copies of all deeds, leases, use agreements, or other licenses to use the property on which the proposed trail will be located. (D)
6. A statement from the landowner(s) or public land manager or organization stipulating they fully support the project and will ensure public access to the recreation improvement funded by the grant.
7. Permits and other approvals. All permits or other approvals that may be required as a result of the development or other activities under this grant must be obtained from the appropriate agencies prior to receiving a copy of a fully executed project agreement.
8. Review of projects for historic and cultural resources. All projects submitted must be submitted to the Maine Historic Preservation Commission for review. (E)

9. Copies of Comprehensive Plans, Recreation Plans, or other documents referenced in the application.

Application Procedure Details

(A) A Letter of Transmittal, or cover letter, on municipal or organization letterhead must accompany the RTP application. Such letter shall be signed and dated by the Chief Executive Officer of the submitting agency and is an assurance that the proposal is endorsed by the sponsor. The letter should briefly summarize the contents of the proposal, state the funding request, and the benefits expected as a result of the project. Documentation of nonprofit status must accompany the application of a nonprofit agency.

(B) A signed copy of the resolution voted on by the appropriate legislative body or membership must be included in the application documentation. The resolution shall indicate the date of the vote and the numbers for and against. Failure to provide such a resolution will result in an application being disqualified.

(C) The application must include topographic maps, local tax maps, or other maps of such a scale as to clearly delineate the trail(s) for which funding is being requested. If the trail is part of a larger trail system, maps should also indicate connecting points. Hand-drawn maps will not be accepted. Preferred maps are U.S. Geological Survey 7.5 minute quadrangles (1:24,000 scale). Failure to provide adequate maps will result in an application being disqualified.

(D) The applicant must submit with the application materials signed statements from owners of all property on which trail development is planned to take place, indicating the landowners have given permission for the planned use and improvements to the property. Projects that involve work on private land will be required prior to issuance of a project agreement to secure an easement or other legally binding agreement that ensures public access to the recreational trail. Such agreement must indicate the length of time for which such permission is granted and any conditions of use. Failure to provide such authorization will result in an application being disqualified.

(E) All applicants must submit a copy of their application - including maps - to the Maine Historic Preservation Commission (MHPC) for approval prior to submitting an application to the Bureau of Parks & Lands (If possible, this should be done a minimum of 4 weeks prior to the announced deadline for submission of application to allow for a reply from the MHPC). A copy of the MHPC reply letter should be included in the application. The address for the MHPC is:

Maine Historic Preservation Commission
65 State House Station
Augusta, ME 04333

Project Selection

A. Review of Project Application

BP&L staff will initially review each application submitted on or before the submission deadline to ensure it is complete.

B. Project Rating

Projects will be rated by BP&L staff and Maine Trails Advisory Committee according to project rating criteria.

C. Project Ranking

Based on the rating score, all projects will be ranked in descending numerical order. Projects will be listed in rank order and in conformance with the 30-30-40% minimum funding requirements.

D. Ranking Review

Initial review of the ranking order will be done by the Maine Trails Advisory Committee. Projects will then be submitted to the deputy director of the BP&L for review and approval.

E. Notification

All applicants will be notified of project approval or disapproval in writing.

Grant Award Process and Project Implementation

Grant Award - Following FHWA's approval of the State's application for RTP funding, BP&L will notify each approved grant recipient of federal approval and issue a project agreement for signature.

Implementation -Upon receipt of a fully executed project agreement, the grant recipient may initiate activities to undertake the approved scope of work. Costs incurred prior to the date of federal approval will not be eligible for reimbursement.

Request for Extension of Project Period

The completion date of a project will be noted in the project agreement. Expenses incurred after the project agreement expiration date will not be eligible for reimbursement. Requests for an extension of the project period will be considered if supported by proper justification. A written request for a time extension must be received a minimum of thirty (30) days prior to the project's expiration date. An approved request for extension of time will be granted through an amendment to the project agreement.

Request for Change in Approved Scope or Funding of Project

A properly justified request from the project sponsor will be necessary to change the scope of work as defined in the project agreement and/or to increase the authorized funding of a project. Changes in project period or scope of work may be approved by BP&L staff. Requests to increase federal funding levels will require approval of the TAC. If recommended, an amendment to the project agreement will be issued.

Grant Procedures

Costs allowable under federal share of project - note - sponsors will be required to follow federal regulations (including solicitation of bids/quotes for services and/or materials) for expenditure of project funds.

I. Development Projects

- A. Design/Engineering costs of a consultant: costs of an outside consultant employed to perform design/engineering services - usually on a lump sum basis.
- B. Direct labor costs: cost of labor performed by laborers hired directly and paid by sponsor, usually on an hourly basis (donated or “in-kind” labor may count as part of a sponsor’s match).
- C. Purchase of services: cost of special services (carpenter, mason, electrical, etc.) Hired on a contract or hourly basis.
- D. Construction contracts: cost of contracts for specific work solicited by public bid or by quote.
- E. Rental of equipment: cost of renting equipment such as bulldozers, trucks, or other large pieces used in the development of a trail project.
- F. Purchase of materials: cost of construction materials (such as loam, gravel, lumber) purchased for use on a trails project. Materials may be donated and market value used as “in-kind” match.
- G. Permit fees required by federal, state or local law.

Note: verifiable costs of volunteer labor or other services (for example, engineering), donated materials or equipment may constitute all or a portion of the local 20% match required for a project but are not reimbursable.

II. Acquisition Projects

- A. Costs of surveys of land proposed for purchase.
- B. Cost of appraisals of property proposed for purchase
- C. Other legal fees associated with the proposed purchase of land.
- D. Purchase of interest in real property (for example, easements).
- E. Purchase of fee simple title to property from a willing seller.

Reimbursement Guidelines

RTP grants are awarded on a reimbursement basis; therefore the grant recipient must pay project bills for eligible costs before submitting a request for reimbursement of the approved federal share. Reimbursement from the federal government and BP&L will normally take 6-8 weeks. Failure to provide required documentation will result in delays in the reimbursement process.

Compliance and Construction Inspection

Project progress inspections may be conducted by state or federal representatives. BP&L representatives may at any time inspect the property and review the grant recipient’s RTP records and files. Upon notification of project completion, BP&L will inspect projects and prepare a written report. Recommendations for corrective action will be made if appropriate. A

copy of the report will be sent to the grant recipient. Deficiencies, if any, shall be corrected and reported in writing to BP&L within 4 weeks of the inspection report.

Record Retention

All program and financial records shall be retained by the grant recipient for state or federal audit purposes following the closing date of the project. At a minimum, the following records shall be retained and made available:

- A. Invoices for purchased materials (including donated materials).
- B. Invoices for all design and construction costs (including donated services).
- C. Copies of signed time sheets for all donated labor.
- D. Canceled checks or copies.

1993 Statewide Comprehensive Outdoor Recreation Plan (SCORP)

Trail Goals/Objectives

1. Adequately renovate, rehabilitate, repair and maintain aging, existing state parks and historic sites (page 84) [this can include trails within state parks and historic sites].
2. Identify important resource areas near existing publicly owned recreation areas and make the protection of these areas a high priority (page 9) [this could include trail areas].
3. Acquire and develop land with saltwater swimming, freshwater swimming, and trail/picnic potential to provide day-use parks in certain urban areas (page 9) [trails in urban areas].
4. Provide programs and information to users to promote respect and proper use of private lands available for public recreation use (page 97) [public information about trails on private lands].
5. Increase state or private assistance for the management of recreation opportunities and facilities on private land (page 100) [trail management on private land].
6. Improve trails coordination, inventory, and planning at the state, regional and local levels (page 107).
7. Develop additional trails and maintain/improve existing trails (page 109).
8. Identify opportunities and create trail-oriented greenways and corridors that protect natural resources and provide opportunities for trail enthusiasts (page 112).
9. Identify and institute measures to reduce trail overuse, inappropriate uses, and conflicts between landowners and trail users as well as conflicts between trail users.
10. Increase public pedestrian access to fresh and coastal waters for walk-in fishing purposes (page 150).
11. Identify existing facilities with renovation and/or improvement needs and incorporate facilities into towns' long range plans (page 158) [could include trails].
12. Assure continued public access to quality outdoor recreation opportunities and facilities for traditional activities in the Maine woods (page 174) [includes trail access].
13. Operate and maintain quality recreation opportunities and facilities (in the Maine woods), stressing traditional outdoor activities (page 178) [includes trails].

Maine Objectives for the Recreational Trails Program

1. Trails that provide linkages with existing or planned trail networks within or outside of the sponsor's domain.

2. Trails that serve a wide spectrum of uses.
3. Trails that provide relatively high use levels, considering similar trails in comparable communities or settings.
4. Proposals that adequately address landowners and abutters concerns.
5. Proposals that provide close-to-home trails.
6. Proposals that enhance tourism and economic development incentives.
7. Proposals that facilitate trail use for the young, seniors and people with disabilities.
8. Trails that are destination-oriented or form closed loops (avoid dead ends wherever possible).
9. Trails that further SCORP* goals, local comprehensive planning goals, or the goals of other local, regional or state plans.
10. Proposals that adequately consider possible conflicts among various uses and make reasoned attempts to deal with them.
11. Proposals that appear to have adequate matching resources, both money and labor.
12. Proposals that adequately consider operation and maintenance of the trails after grant money is no longer available.
13. Proposals that leverage other private and public funding (except federal sources).
14. Proposals that rehabilitate existing, well-used trails.
15. Projects that provide multiple linkages at major physical barriers, such as streams, highways, etc.
16. Projects that preserve railroad, utility, or other rights-of-way for public recreation/transportation purposes.
17. Trails that provide a high level of user safety.
18. Projects that provide for reasonable longevity commensurate with the expenditure of money, considering both low maintenance and easement duration.

* *Statewide Comprehensive Outdoor Recreation Plan*